

CM/ECF - U.S. District Court - Vermont (LIVE)

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**U.S. District Court
District of Vermont (Burlington)
CRIMINAL DOCKET FOR CASE #: 2:18-cr-00136-cr-1**

Case title: USA v. Efthimiatos
Other court case number: 3:13-cr-00015-1 USDC -
Southern District of Iowa

Date Filed: 11/19/2018
Date Terminated: 12/20/2018

Assigned to: Judge Christina Reiss

Defendant (1)

Angelo Peter Efthimiatos
TERMINATED: 12/20/2018

represented by **Craig S. Nolan , Esq.**
Sheehey Furlong & Behm P.C.
30 Main Street, 6th Floor
P.O. Box 66
Burlington, VT 05402-0066
(802) 864-9891
Fax: (802) 864-6815
Email: cnolan@sheeheyvt.com
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

represented by **Eugenia A. Cowles , AUSA**
United States Attorney's Office

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District of Vermont
P.O. Box 570
Burlington, VT 05402-0570
(802) 951-6725
Email: eugenia.cowles@usdoj.gov
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Nicole P. Cate , AUSA
United States Attorney's Office
District of Vermont
P.O. Box 570
Burlington, VT 05402-0570
(802) 951-6725
Email: nicole.cate@usdoj.gov
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

| Date Filed | # | Docket Text |
|------------|-----------|---|
| 12/20/2018 | <u>11</u> | COMMITMENT TO ANOTHER DISTRICT as to Angelo Peter Efthimiatis. Defendant committed to Southern District of Iowa. Signed by Judge John M. Conroy on 12/20/2018. (hbc) (Entered: 12/20/2018) |
| 12/20/2018 | 10 | MINUTE ENTRY for proceedings held before Judge John M. Conroy: Initial Appearance in Rule 32.1 Proceedings as to Angelo Peter Efthimiatis held on 12/20/2018. Nicole Cate, AUSA present for the gov't and deft present with Craig Nolan, Esq. Court summarizes the alleged violations and informs deft of rights. The Court advises deft that Attorney Nolan has been appointed on his behalf. Deft waives right to preliminary hearing. Arguments by counsel as to release or detention. Court makes findings. ORDERED: Deft detained pending removal to Southern District of Iowa. (Court Reporter: Recorded) (hbc) (Entered: 12/20/2018) |
| 12/13/2018 | <u>9</u> | REVISED NOTICE OF HEARING as to Angelo Peter Efthimiatis: Initial Appearance on Revocation Proceedings reset for 12/20/2018 at 11:00 AM in Burlington Courtroom 440 before Judge John M. Conroy. (hbc) (Entered: 12/13/2018) |
| 12/07/2018 | <u>8</u> | NOTICE OF HEARING as to Angelo Peter Efthimiatis: Initial Appearance on Revocation Proceedings set for 12/13/2018 at 10:30 AM in Burlington Courtroom 440 before Judge John M. Conroy. (hbc) (Entered: 12/07/2018) |
| 11/29/2018 | 7 | MINUTE ENTRY for proceedings held before Judge Christina Reiss: Status Conference re: Initial Appearance proceedings as to Angelo Peter Efthimiatis held on 11/29/2018. Geni Cowles, AUSA and Nicole Cate, AUSA present for gov't. Craig Nolan, Esq. present with dft. Court makes inquiries. Statements by counsel. Parties agreed that an initial appearance of the supervised release violation was not necessary at this time. Court will take up issue after the Jury Trial scheduled in dft case 2:18-cr-049. (Court Reporter: Anne Henry) (jbr) (Entered: 11/30/2018) |

| | | |
|------------|----------|---|
| 11/26/2018 | <u>6</u> | REVISED NOTICE OF HEARING as to Angelo Peter Efthimiatos: Continuation of Initial Appearance on Revocation Rule 32.1 Proceedings set for 11/29/2018 at 3:00 PM in Burlington Courtroom 542 before Judge Christina Reiss. Notice revised to reflect the additional Motions to be heard in Dft Docket 18-cr-49-1. (pac) (Entered: 11/26/2018) |
| 11/21/2018 | <u>5</u> | MINUTE ENTRY for proceedings held before Judge Christina Reiss: Court Hearing as to Angelo Peter Efthimiatos held on 11/21/2018. Wendy Fuller, AUSA present for the gov't and deft present with Craig Nolan, Esq. Statements re: warrant out of Southern District of Iowa. Deft requests a continuance of Initial Appearance on Rule 32.1 proceedings. ORDERED: Deft's request is granted. Rule 32.1 proceedings to be continued to 11/29/2018 at 3:00 PM during Motion Hearing set in 2:18-cr-49 before Judge Christina Reiss. Deft detained pursuant to Order of Detention in 2:18-cr-49. (Court Reporter: Anne Pierce) (hbc) (Entered: 11/21/2018) |
| 11/20/2018 | <u>4</u> | REVISED NOTICE OF HEARING as to Angelo Peter Efthimiatos: Continuation of the Initial Appearance Hearing on Rule 32.1 in Docket 2:18-cr-136-1 and a Hearing on the Motion for Reconsideration of the Order Setting Conditions of Release in Docket 18-cr-049-1 set for 11/21/2018 at 11:00 AM in Burlington Courtroom 542 before Judge Christina Reiss. Notice revised to reflect the additional Hearing in Dft Docket 18-cr-049-1. (jbr) (Entered: 11/20/2018) |
| 11/20/2018 | <u>3</u> | NOTICE OF HEARING as to Angelo Peter Efthimiatos: Continuation of the Initial Appearance Hearing on Rule 32.1 set for 11/21/2018 at 11:00 AM in Burlington Courtroom 542 before Judge Christina Reiss.(jbr) (Entered: 11/20/2018) |
| 11/19/2018 | <u>2</u> | MINUTE ENTRY for proceedings held before Judge Christina Reiss: Court Hearing as to Angelo Peter Efthimiatos held on 11/19/2018. Geni Cowles, AUSA present for gov't. Craig Nolan, Esq. present with dft. Court makes inquiries. Statements by counsel. ORDERED: dft is detained, hearing cont'd for 11/21/2018 at 11:00AM before Christina Reiss, District Judge. (Court Reporter: Anne Pierce) (jbr) (Entered: 11/20/2018) |
| 11/19/2018 | | CJA 20: Appointment of Craig S. Nolan, Esq for Angelo Peter Efthimiatos. Signed by Deputy Clerk on 11/19/2018. (law) (Entered: 11/20/2018) |
| 11/19/2018 | <u>1</u> | RULE 32.1 Documents obtained from Southern District of Iowa as to Angelo Peter Efthimiatos. (Attachments: # <u>1</u> Probation 12C (Petition for Warrant or Summons for Offender Under Supervision), # <u>2</u> Arrest Warrant Executed)(law) (Entered: 11/20/2018) |

| | | | |
|-----------------------------|------------------------|---------------------|--|
| PACER Service Center | | | |
| Transaction Receipt | | | |
| 12/21/2018 16:13:30 | | | |
| PACER Login: | pt0152:2617908:4261132 | Client Code: | |

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| Description: | Docket Report | Search Criteria: | 2:18-cr-00136-cr |
| Billable Pages: | 2 | Cost: | 0.20 |

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PROB 12C
(SDIA 05/15)

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF IOWA

USDC D-VT
2:18-cr-136-1

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Angelo Peter Efthimiatos

Case Number: 3:13-cr-00015

Name of Sentencing Judicial Officer: Stephanie M. Rose, U.S. District Judge

Date of Original Sentence: June 19, 2014

Original Offense: 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), 846 - Conspiracy To Manufacture, Distribute and Possess with
Intent to Distribute 50 Kilograms and More of Marijuana
21 U.S.C. §§ 841(a)(1), 841 (b)(1)(D) - Possession With Intent To Distribute Marijuana

Original Sentence: 57 months imprisonment; 36 months supervised release; \$5,000.00 restitution

Date Current Supervision Commenced: April 7, 2017

Prior Modification(s)/Revocation(s): January 19, 2018 -- maintain full-time, legitimate employment approved by the U.S.
Probation Office

PETITIONING THE COURT

- ☒ To issue a warrant.
☐ To issue a summons.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation

Nature of Noncompliance

1. New Law Violation –
Knowingly and Willingly
Serving in any Capacity as an
Airman Operating an Aircraft
in Air Transportation without
an Airman's Certificate

In April 2018, special agents with the United States Department of Justice Drug Enforcement Agency (DEA) obtained information that the offender was suspected of operating an airplane that had been traveling to and from Rutland Airport in Vermont. DEA agents further obtained information from the Federal Aviation Authority that the offender's pilot license was revoked in 2014. Based on this information, DEA agents utilized surveillance techniques at the Rutland Airport. On April 10, 2018, at approximately 12:15am, agents observed an aircraft, similar to the one the offender was known to operate, land at the Rutland Airport. Agents approached the operator of the aircraft and confirmed the identity as the offender. This unauthorized aircraft operation is defined in 49 U.S.C §46317.

2. Leaving the Judicial District
Without Authorization

During the above noted contact, DEA agents confirmed the offender operated the aircraft from Rutland, Vermont, to Nantucket, Massachusetts and back on April 9, 2018, and April 10, 2018. The offender did not have permission from the U.S. Probation Office for the District of Vermont to leave the Judicial District.

Case 2:18-cr-00136-cr Document 1-1 Filed 11/19/18 Page 2 of 2

U.S. v. Angelo Peter Edhimitas (3:13-cr-00015)

Petition for Warrant or Summons – April 10, 2018

U.S. Probation Officer Recommendation:

The term of supervision should be

- ☒ revoked.
- ☐ extended for ... years, for a total term of ... years.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 10, 2018

by: Kristin J. Schrems
Kristin J. Schrems
U.S. Probation Officer

The United States Attorney's Office:

- ☒ Does not object to the proposed action.
- ☐ Objects but does not request a formal hearing be set.
- ☐ Objects and will petition the Court requesting that a formal hearing be set.

Clifford R. Cronk III
Assistant United States Attorney
Clifford R. Cronk III
Signature

THE COURT ORDERS:

- ☐ No action.
- ☒ The issuance of a warrant.
- ☐ The issuance of a summons so a hearing can be held on _____ at _____.

Stephen M. Fee
Signature of Judicial Officer
4/12/18
Date

Case 2:18-cr-00136-cr Document 1-2 Filed 11/19/18 Page 1 of 1

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

RECEIVED
USMS S/IOWAfor the
Southern District of Iowa

2018 APR 12 P 1:40

United States of America
v.

Case No. 3:13-cr-00015

ANGELO PETER EFTHIMIATOS

USDC D-VT
2:18-cr--136-1

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) Angelo Peter Efthimiatos,

who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☐ Complaint
☐ Probation Violation Petition ☒ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

Supervised Release Violation (see petition).

Date: 04/12/2018

Issued by U.S. District Judge Stephanie M. Rose

Issuing officer's signature

City and state: Davenport, Iowa

WARRANT ISSUED

JOHN S. COURTER, Clerk

By: Robert M. Thompson

DEPUTY CLERK

Return

This warrant was received on (date) 4/12/18, and the person was arrested on (date) 4/12/18
at (city and state) Rutland, VT.Date: 4/12/18

Arresting officer's signature

SDUSM Sean M. O'Neal
Printed name and title

Case 2:18-cr-00136-cr Document 3 Filed 11/20/18 Page 1 of 1

NOTICE OF HEARING

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

United States of America

v.

Case No. 2:18-cr-136-1

Angelo Peter Efthimiatos

TAKE NOTICE that the above-entitled case has been scheduled at 11:00 a.m., on, Wednesday, November 21, 2018, in Burlington, Vermont, before Honorable Christina Reiss, District Judge, for the continuation of the Initial Appearance Hearing on Rule 32.1.

Location: Courtroom 542

JEFFREY S. EATON, Clerk
By: /s/ Jennifer B. Ruddy
Deputy Clerk
11/20/2018

TO:

Eugenia A. Cowles, AUSA
Nicole Cate, AUSA

Craig S. Nolan, Esq.

Anne Pierce, Court Reporter

Case 2:18-cr-00136-cr Document 4 Filed 11/20/18 Page 1 of 1

REVISED NOTICE OF HEARING

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

United States of America

v.

Case No. 2:18-cr-136-1
2:18-cr-049-1

Angelo Peter Efthimiatos

TAKE NOTICE that the above-entitled case has been scheduled at 11:00 a.m., on, Wednesday, November 21, 2018, in Burlington, Vermont, before Honorable Christina Reiss, District Judge, for the continuation of the Initial Appearance Hearing on Rule 32.1. in Docket 2:18-cr-136-1 and a Hearing on the Motion for Reconsideration of the Order Setting Conditions of Release in Docket 18-cr-049-1.

Location: Courtroom 542

JEFFREY S. EATON, Clerk
By: /s/ Jennifer B. Ruddy
Deputy Clerk
11/20/2018

TO:

Eugenia A. Cowles, AUSA
Nicole Cate, AUSA

Craig S. Nolan, Esq.

Anne Pierce, Court Reporter

Revised to reflect the addition of a Hearing on the Motion for Reconsideration of the Order Setting Conditions of Release in Docket 18-cr-049-1.

Case 2:18-cr-00136-cr Document 6 Filed 11/26/18 Page 1 of 1

REVISED NOTICE OF HEARING

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

United States of America

v.

Case No. 2:18-cr-49-1, 2:18-cr-136-1

Angelo Peter Efthimiatos

TAKE NOTICE that the above-entitled case has been scheduled at 03:00 p.m., on, Thursday, November 29, 2018, in Burlington, Vermont, before Honorable Christina Reiss, District Judge, for a hearing on Motion in Limine *Regarding Admissibility of Evidence* (Doc. 49), Motion to Dismiss on Speedy Trial Act (Doc. 53), Motion in Limine *to Exclude Statements Obtained in Violation of Miranda* (Doc. 54), Motion in Limine *to Exclude Irrelevant and Prejudicial Evidence* (Doc. 55) in Docket 2:18-cr-49-1 and the Continuation of the Initial Appearance Hearing on Rule 32.1 in Docket 2:18-cr-136-1.

Location: Courtroom 542

JEFFREY S. EATON, Clerk

By: /s/ Patricia A. Casey

Deputy Clerk

11/26/2018

TO:

Eugenia A. Cowles, AUSA

Nicole P. Cate, AUSA

Craig S. Nolan, Esq.

Anne Pierce, Court Reporter

Case 2:18-cr-00136-cr Document 8 Filed 12/07/18 Page 1 of 1

NOTICE OF HEARING

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

United States of America

v.

Case No. 2:18-cr-136-1

Angelo Peter Efthimiatos

TAKE NOTICE that the above-entitled case has been scheduled for 10:30 a.m. on Thursday, December 13, 2018, at Burlington, Vermont before the Honorable John M. Conroy, Magistrate Judge for an Initial Appearance on Revocation Proceedings.

Location: Courtroom 440

JEFFREY S. EATON, Clerk
By: /s/ H. Beth Cota
Deputy Clerk
12/7/2018

TO:

Eugenia A. Cowles, AUSA

Nicole P. Cate, AUSA

Craig S. Nolan, Esq.

REVISED NOTICE OF HEARING

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT**

United States of America

v.

Case No. 2:18-cr-136-1

Angelo Peter Efthimiatos

TAKE NOTICE that the above-entitled case has been rescheduled to 11:00 a.m. on Thursday, December 20, 2018, at Burlington, Vermont before the Honorable John M. Conroy, Magistrate Judge, for an Initial Appearance on Revocation Proceedings.

Location: Courtroom 440
Previously scheduled for: 12/13/2018, 10:30 a.m.

JEFFREY S. EATON, Clerk
By: /s/ H. Beth Cota
Deputy Clerk
12/13/2018

TO:

Eugenia A. Cowles, AUSA

Nicole P. Cate, AUSA

Craig S. Nolan, Esq.

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AO 94 (Rev. 06/09) Commitment to Another District

UNITED STATES DISTRICT COURT

for the

District of Vermont

United States of America

v.

Angelo Peter Efthimiatos

Defendant

)

)

)

)

)

)

Case No. 2:18-cr-136

Charging District's

Case No. 3:13-cr-00015-1

COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the Southern District of Iowa,
(if applicable) Davenport division. The defendant may need an interpreter for this language:
_____.

The defendant: ☐ will retain an attorney.

☒ is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

IT IS ORDERED: The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Date: 12/20/2018

/s/ John M. Conroy

Judge's signature

John M. Conroy, U.S. Magistrate Judge

Printed name and title